IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4160 OF 2006

Ketan Premani ..Petitioner

Vs.

Jasminder Ketan Premani ..Respondent

Ms.Seema Sarnaik for petitioner.
Ms. Ina Bade for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : July 17, 2006.

P.C.:

1. By the impugned order dated 23/5/2006 passed by the learned Judge of the Family Court at Mumbai the application filed by the petitioner-husband seeking the custody of two sons for taking them on vacation has been rejected and, therefore, on reopening of the school in the month of June 2006 the challenge to the said order has become infructuous. However, the petitioner's application for custody of the sons is pending before the Family Court and it is numbered as Interim Application No.23 of 2006 and the petitioner apprehends that the observations made in the impugned order may affect the decision on the pending

application.

2. The petition is hereby disposed as infructuous with a clarification that the Interim Application No.23 of 2006 will be heard and decided by the learned Judge of the Family Court on its own merits and obviously after interviewing the sons, if so required, afresh and without being influenced by the observations made in the impugned order.

(B.H. Marlapalle,J.)